Case Summary — AUTOTRAC v. Vigilância Fort Safe Ltda.

Case No. 0713677-47.2024.8.07.0001
3ª Vara de Execução de Títulos Extrajudiciais e Conflitos Arbitrais de Brasília (TJDFT)

Type of Action

Execução de Título Extrajudicial — Debt collection enforcement based on a private contract used as an enforceable title under Brazil's Civil Procedure Code.

Parties

- **Exequente (Enforcing Creditor):** AUTOTRAC Comércio e Telecomunicações S/A.
- **Executado (Debtor):** Vigilância Fort Safe Ltda.

Core Dispute

AUTOTRAC filed yet another execution suit, this time against the security company Vigilância Fort Safe Ltda., claiming payment under a service contract. The dispute immediately collapsed into a jurisdictional conflict after a procedural misstep: the case was filed in Santa Cruz do Sul (RS) despite a contractual forum-selection clause naming Brasília as competent. When the Santa Cruz judge declined jurisdiction *ex officio* and sent the file to Brasília, the Brasília judge refused it—arguing that relative competence (territorial jurisdiction) cannot be declared by the court itself. The disagreement escalated into a conflict of competence resolved by Brazil's Superior Tribunal de Justiça (STJ).

(Sources: 01-Brasilia-Suscits-Competence-Conflict.pdf.pdf.pdf; 02-STJ-DECISION-Declares-SantaCruz-Competent.pdf.pdf.PDF; 03-STJ-Decision-Communication-Receipt.pdf.pdf.pdf; 04-Execution-SUSPENDED-Order.pdf.pdf; 05-Case-Docket-Jurisdictional-Saga.pdf.pdf)

Jurisdictional Timeline (2024)

1. **Case Distribution (18/04/2024)**
   - AUTOTRAC files the execution in **Santa Cruz do Sul/RS**, naming it the debtor's domicile.
     (Source: 05-Case-Docket-Jurisdictional-Saga.pdf.pdf)
2. **Conflict Raised in Brasília (23/04/2024)**
   - Brasília's **3ª Vara de Execução de Títulos Extrajudiciais** declares itself incompetent and **"suscita conflito de competência"** (raises a competence conflict) after receiving

the case from Rio Grande do Sul.
    - Judge **Tatiana Iykie Assao Garcia** notes that the forum clause favored AUTOTRAC itself, making its self-invoked objection absurd.
      (Source: 01-Brasilia-Suscits-Competence-Conflict.pdf.pdf.pdf)
3. **STJ Decision (27/05/2024)**
    - The **Superior Tribunal de Justiça** rules under **Conflict No. 204998/DF**, reaffirming **Súmula 33/STJ**:
      "A incompetência relativa não pode ser declarada de ofício" ("Relative incompetence cannot be declared ex officio").
    - The STJ declares **Santa Cruz do Sul** competent to hear the case.
      (Source: 02-STJ-DECISION-Declares-SantaCruz-Competent.pdf.pdf.PDF; 03-STJ-Decision-Communication-Receipt.pdf.pdf.pdf)
4. **Suspension Order (17/06/2024)**
    - Brasília suspends proceedings until the STJ's final communication of judgment.
      (Source: 04-Execution-SUSPENDED-Order.pdf.pdf)
5. **Administrative Closure (19/06/2024)**
    - The docket shows only certification and procedural updates, no substantive progress.
      (Source: 05-Case-Docket-Jurisdictional-Saga.pdf.pdf)

Current Status

As of late August 2024, the case has been transferred back to Imperatriz/MA, restarting the debt collection there after four months of procedural limbo. No substantive enforcement occurred; the record reflects only jurisdictional wrangling.

Summary Assessment

This proceeding mirrors AUTOTRAC's growing pattern of procedural blunders. Within five days of filing, the company managed to provoke another **conflict of competence**, wasting months and involving the STJ to resolve an issue of its own making. The company's repetitive jurisdictional errors expose a consistent lack of procedural care, turning its lawsuits into bureaucratic exercises in futility.